

## REMARKS

Receipt of the Office Action of March 17, 2009 is gratefully acknowledged.

Claims 8 - 18 have been examined in this RCE application with the following results: claims 8 - 17 are rejected under 35 USC 103(a) by Jackson et al; and claim 18 is indicated as containing allowable subject matter.

In reply, claim 18 has been cancelled and replaced with new claim 19 which is claim 18 in independent form. New claims 20 - 22 have been added as dependent from new claim 19. New claims 20 - 22, parallel claims 9, 10 and 16. As such claims 19 - 22 are in condition for allowance.

As to claims 8 - 17, the rejection of these claims is respectfully traversed.

As a minimum, it is difficult to see how Jackson et al reads on the evaluating unit claimed in claim 18. The examiner refers us to paragraph [0018] of Jackson et al, but this paragraph does not teach the evaluation unit as claimed. There is no basis apparent from reading Jackson et al that would lead one to the evaluating unit as claimed. The interface 7 discussed in paragraph [0018] of Jackson et al does not "select a parameter set"

This teaching is lacking in Jackson et al, and as such, cannot render claim 8 obvious. The same conclusion is reached when considering claims 11, 12 and 13. The evaluating unit, or the function of the evaluating unit is missing from Jackson et al but not from the noted claims.

In view of the foregoing, reconsideration and reexamination are respectfully requested and claims 8 - 17 found allowable along with claims 19 - 22.

Please charge any additional claim fee to Dep. Acc. No. 02-0200.

Date: July 19, 2010

Respectfully submitted,  
BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', written over the printed name.

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